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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 JEFFREY SNELLER and SHERRY MILLS-
11 SNELLER, husband and wife,

12 Plaintiffs,

13 v.

14 CITY OF BAINBRIDGE ISLAND, et al.,

15 Defendants.

Case No. C07-5338RBL

ORDER REQUESTING
RESPONSE TO MOTION
FOR
RECONSIDERATION

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17 This matter comes before the Court on Defendant City of Bainbridge Island's Motion for
18 Reconsideration [Dkt. #81]. On November 6, 2008, the court granted Plaintiffs' Motion to Dismiss
19 pursuant to Fed. R. Civ. P. 41, and dismissed Plaintiffs' claims against the City without prejudice. It also
20 Dismissed the Plaintiffs' claims against the State without prejudice, and all claims against all individual
21 defendants with prejudice. [Dkt. #80]. The City of Bainbridge Island seeks reconsideration of the court's
22 order dismissing the claims against it without prejudice, pointing out that the Plaintiffs' Motion was not yet
23 "ripe" and that it had filed a dispositive Motion seeking dismissal with prejudice. The City asks the court
24 to consider and rule upon the merits of that Motion, to avoid it having to again defend this lawsuit from the
25 beginning, if Plaintiffs' choose to re-file their claims against the City in state court.

26 Under Local Rule CR 7(h), no motion for reconsideration will be granted unless an opposing party
27 has been afforded the opportunity to file a response. The court hereby REQUESTS that the Plaintiffs file a
28 short Response to the Motion for Reconsideration. This Response should focus on the issue of their ability

1 to preclude the Court from considering the merits of the City's Motion for Summary Judgment by filing a
2 Motion Dismiss under Rule 41, the day before the City has informed them it will file its Motion. Plaintiffs
3 may file a response to the Motion for Reconsideration by November 21, 2008.

4 IT IS SO ORDERED.

5 DATED this 17th day of November, 2008.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
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